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Referred: Transportation and
Finance

BY HAYES, ABOOD, ANDERSON, BARNES,
BEIRNE, BYLSMA, HALFORD, MARTIN,
METCALFE, MONTGOMERY, CARNEY AND
PHILLIPS

1 IN THE HOUSE

2 HOUSE BILL NO. 368

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to roads and authorizing construction
7 of a road project; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. PURPOSE. It is the purpose of AS 19.33 to provide for the
11 construction of major highways and roads connecting the principal munici-
12 palities of the state which are not included in the approved federal aid
13 primary or secondary highway systems and which are designated for construc-
14 tion by the legislature. The highways and roads to be constructed under
15 AS 19.33 are projects which shall be constructed by the Department of Trans-
16 portation and Public Facilities without financial participation by a munici-
17 pality in which the highway or road is to be located.

18 * Sec. 2. AS 19 is amended by adding a new chapter to read:

19 CHAPTER 33. INTERMUNICIPAL ROADS.

20 Sec. 19.33.010. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. (a)
21 The commissioner shall acquire all rights-of-way required for inter-
22 municipal road construction.

23 (b) When rights-of-way for an intermunicipal road are required on
24 land owned by the state, the commissioner shall obtain the rights-of-way
25 from the department having jurisdiction over the land. A department
26 having jurisdiction over land shall transfer the jurisdiction of the
27 land to the commissioner.

28 Sec. 19.33.020. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.
29 Design standards, rights-of-way and widths for each intermunicipal road

1 shall be approved by the commissioner.

2 Sec. 19.33.030. CONSTRUCTION. (a) The construction of an inter-
3 municipal road by the department or under its direct supervision shall
4 be according to approved design standards and subject to the inspection
5 and approval of the commissioner.

6 (b) All construction work done and labor performed on an inter-
7 municipal road shall be in accordance with state law.

8 (c) Construction of an intermunicipal road subject to this section
9 shall be performed by contract awarded by competitive bidding, unless
10 the commissioner finds that, under the circumstances relating to the
11 road, some other method of construction is in the public interest.
12 When the commissioner awards contracts for construction of a project
13 under this chapter, all contracts relating to construction of the
14 project shall be awarded at the same time.

15 (d) A contract for the construction of an intermunicipal road
16 shall be awarded on the basis of the lowest responsible bid submitted
17 by a bidder meeting criteria of responsibility established by the
18 commissioner. A requirement may not be imposed upon a bidder as a
19 condition precedent to the award of a contract unless the requirement
20 is lawful and specifically set out in the advertised specifications.

21 Sec. 19.33.040. MAINTENANCE. (a) The department shall maintain,
22 or cause to be maintained, an intermunicipal road constructed by the
23 department under this chapter, except that upon mutual agreement of the
24 commissioner and a municipality the responsibility for maintenance may
25 be transferred to the municipality if it is authorized to assume road
26 maintenance powers.

27 (b) A municipality may contract with the department for mainte-
28 nance of a portion of an intermunicipal road which lies within its
29 boundaries.

1 Sec. 19.33.050. PROGRAM ADMINISTRATION. The department may
2 provide an opportunity to other state agencies to review and comment on
3 activity which it proposes under this chapter. When opportunity for
4 review and comment is provided by the department, an agency shall
5 respond in writing by the date specified by the department.

6 Sec. 19.33.070. DEFINITIONS. In this chapter,

7 (1) "commissioner" means the commissioner of transportation
8 and public facilities;

9 (2) "department" means the Department of Transportation and
10 Public Facilities;

11 (3) "intermunicipal road" means a highway or road, not part
12 of the federal aid highway system, which connects two or more munici-
13 palities in Alaska.

14 * Sec. 3. PURPOSE. It is the purpose of AS 19.36 to provide for the
15 construction of major highways and roads within the principal municipalities
16 of the state which are not included in the approved federal aid primary or
17 secondary highway systems and which are designated for construction by the
18 legislature. The highways and roads to be constructed under AS 19.36 are
19 projects which shall be constructed by the Department of Transportation and
20 Public Facilities without financial participation by a municipality in which
21 the highway or road is to be located.

22 * Sec. 4. AS 19 is amended by adding a new chapter to read:

23 CHAPTER 36. URBAN ROADS.

24 Sec. 19.36.010. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. (a)
25 The commissioner shall acquire all rights-of-way required for construc-
26 tion of an urban road.

27 (b) When rights-of-way for an urban road are required on land
28 owned by the state, the commissioner shall obtain the rights-of-way
29 from the department having jurisdiction over the land. A department

1 having jurisdiction over land shall transfer the jurisdiction of the
2 land to the commissioner.

3 Sec. 19.36.020. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.
4 Design standards, rights-of-way and widths for each urban road shall be
5 approved by the commissioner.

6 Sec. 19.36.030. CONSTRUCTION. (a) The construction of an urban
7 road by the department or under its direct supervision shall be accord-
8 ing to approved design standards and subject to the inspection and
9 approval of the commissioner.

10 (b) All construction work done and labor performed on an urban
11 road shall be in accordance with state law.

12 (c) Construction of an urban road subject to this section shall
13 be performed by contract awarded by competitive bidding, unless the
14 commissioner finds that, under the circumstances relating to the road;
15 some other method of construction is in the public interest.

16 (d) A contract for the construction of an urban road shall be
17 awarded on the basis of the lowest responsible bid submitted by a
18 bidder meeting criteria of responsibility established by the commis-
19 sioner. A requirement may not be imposed upon a bidder as a condition
20 precedent to the award of a contract unless the requirement is lawful
21 and specifically set out in the advertised specifications.

22 Sec. 19.36.040. MAINTENANCE. (a) The department shall maintain,
23 or cause to be maintained, an urban road constructed by the department
24 under this chapter, except that upon mutual agreement of the commis-
25 sioner and a municipality the responsibility for maintenance may be
26 transferred to the municipality if it is authorized to assume road
27 maintenance powers.

28 (b) A municipality may contract with the department for mainte-
29 nance of a portion of an urban road which lies within its boundaries.

1 Sec. 19.36.050. PROGRAM ADMINISTRATION. The department may
2 provide an opportunity to other state agencies to review and comment on
3 activity which it proposes under this chapter. When opportunity for
4 review and comment is provided by the department, an agency shall
5 respond in writing by the date specified by the department.

6 Sec. 19.36.070. DEFINITIONS. In this chapter;

7 (1) "commissioner" means the commissioner of transportation
8 and public facilities;

9 (2) "department" means the Department of Transportation and
10 Public Facilities;

11 (3) "urban road" means a highway or road, not part of the
12 federal aid highway system, within or near a city, borough or unified
13 municipality.

14 * Sec. 5. AS 19.30.090 is repealed.

15 * Sec. 6. ROAD PROJECT AUTHORIZED. The Department of Transportation and
16 Public Facilities shall acquire necessary rights-of-way and design and
17 construct, as an intermunicipal road project under AS 19.33, a highway, with
18 a bridge crossing Knik Arm, between the Municipality of Anchorage and the
19 Matanuska-Susitna Borough, connecting to the Parks Highway.

20 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).